



Department of Community Development, P. O. Box 427, Herndon, Virginia 20172-0427

APPLICATION FOR A SPECIAL EXCEPTION

Submittal of this form with **original signatures is required**. **PLEASE PRINT OR TYPE** (Unless otherwise indicated.)

For the purpose of operating/conducting (type of business):

As provided for in Town Code Section:

Project Name:

Zoning of Subject Property:

Address of the Subject Property (including apt/suite #):

Detailed Description of the Proposed Use:

Lot area (site area):

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations done)? ☐ No ☐ Yes Please describe

Name of Business Owner conducting the Special Exception Use or Representative (Applicant):

Mailing Address:

E-mail address

Telephone #

FAX #

The undersigned hereby applies for a Special Exception under the provisions of § 78-202.3 of the Herndon Town Code.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.*
- The requirements associated with this application have been read and are understood.*
- The use and occupancy of buildings and/or the use of land noted above is proposed in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.*

**Signature of Business Owner Conducting the Special Exception Use
(Applicant)**

Date

APPLICATION FOR A SPECIAL EXCEPTION – continued

Name and Title of Property Owner: _____

Mailing Address: _____

E-mail address

Telephone

FAX #

Site is located in : *(please check any that apply)*

- ☐ the Floodplain Overlay District, in accordance with § 78-304.2
- ☐ the Heritage Preservation Overlay District, in accordance with § 78-304.3
- ☐ the Chesapeake Bay Overlay District: Resource Protection District or Intensely Developed Area, in accordance with § 78-304.4
- ☐ Downtown Transition Area, in accordance with § 78-512
- ☐ Landmark Business Area, in accordance with § 78-510

FOR SPECIAL EXCEPTIONS IN THE FLOODPLAIN OVERLAY DISTRICT

Notice from the Zoning Administrator: The issuance of a Special Exception to develop a structure within the Floodplain Overlay District may increase the risks to life and property and will result in increased premium rates for flood insurance.

Acknowledged:

Signature of Property Owner & Date

**Signature of Business Owner
(if different than Property Owner) & Date**

TO BE SUBMITTED WITH THIS APPLICATION

- _____ A letter signed by the business owner or owner's agent consenting to the application for the Special Exception Use;
- _____ A floodplain study (if the use is located in the Floodplain Overlay District) and fee;
- _____ If the purpose of the Special Exception is to allow a use in the Floodplain Overlay District, the application materials shall include information requested in Zoning Ordinance § 78-202.3 and the proposal must meet the standards in the Floodplain Overlay District in Zoning Ordinance § 78-202.3 and § 78-304.2;

REQUIREMENTS FOR ALL APPLICATIONS (Zoning Ordinance § 78-201.3)

- _____ A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);
- _____ If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;
- _____ If a neighborhood meeting was held prior to application submittal, a statement indicating the date, time, location, invitation list, number of attendees, and outcome of the meeting;

APPLICATION FOR A SPECIAL EXCEPTION – continued

REQUIREMENTS FOR ALL APPLICATIONS - continued (Zoning Ordinance § 78-201.3)

- _____ A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed);
- _____ If the application requires a plan or drawing, nine sets of plans or drawings prepared in accordance with the standards specified in the Zoning Ordinance;
- _____ All other items listed in Zoning Ordinance § 78-201.3;
- _____ Application Fee;
- _____ An RPA Permit if (a) Resource Protection Area zoning is located on the property; or (b) it is determined by the Zoning Administrator that an assessment is warranted because of the unique characteristic of the site or intensity of the proposed use or development.

Certification, in a form prescribed by the Zoning Administrator, that public notification regarding a public hearing has been given in accordance with § 78-201.9, Public Notification, shall be submitted upon completion of proper notification by the applicant.

For Office Use Only:

| | | | |
|--|-----------|--|-----------|
| Received by: | Fee paid: | Date: | Case No.: |
| Tax Map Reference: | | Status of Taxes: <input type="checkbox"/> Paid <input type="checkbox"/> Delinquent | |
| Date of public hearing at which Town Council approved the Special Exception, if approved: | | | |
| Date of expiration of Special Exception: (a) as specified by Town Council, or (b) resulting date if a Building Permit for the development approved by the Special Exception is not issued within one year from date of approval by the Town Council or the development is not completed within the time allowed under the Town's Building Regulations. | | | |
| Deadline for applicant to make a written request for an extension not to exceed six months (30 days prior to date of expiration): | | | |

Distribution after approval:

Applicant

Community
Development

Fire
Department

Finance

APPLICATION FOR A SPECIAL EXCEPTION – continued

APPLICATION INFORMATION

Completed applications must be filed no less than eight full weeks prior to the Planning Commission public hearing at which the Special Exception will be considered. **Applications must be complete and it is the applicant's responsibility to ensure completeness. Late or incomplete applications will not be accepted or placed on a Planning Commission agenda.** Meetings with staff prior to the submission deadline are encouraged and may be arranged by appointment. The date and time of Planning Commission and Town Council meetings are noted on the Herndon Town Calendar. Public hearings take place in the Herndon Council Chamber located at 765 Lynn Street, Herndon, Virginia. Work sessions take place in the conference room of the Council Chambers at the same location.

Although not required, applicants are encouraged to attend the work session when their application will be discussed informally. Applicants or a representative are expected to be present at the public hearing in order to answer any questions that may arise.

The following is the review process that the Department of Community Development will use for each application for a Special Exception.

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| WEEK ONE/TWO | The complete application is submitted to the Community Development staff with all required materials. Referral memos are sent to by the Project Manager to Town departments for review. The deadline for submission of written comments is two weeks. |
| WEEK TWO/THREE | The Project Manager contacts the staff reviewers to discuss the application and answer questions. The Project Manager meets with the Community Development staff to discuss the application. |
| WEEK THREE/ FOUR | Staff comments are due back to the Project Manager. Issues are discussed and resolved to the extent possible. |
| WEEK FIVE | The applicant is informed about all staff review comments and issues. Unless the applicant declines, a meeting is held with the applicant to go over all comments and issues. If a request for deferral by the applicant is made, or if substantial changes appear to be needed, the schedule will change. Otherwise, the schedule proceeds as follows and the staff prepares a legal advertisement about the application for publication in a newspaper. |
| WEEK SIX | The staff prepares a report that identifies issues and provides a preliminary staff recommendation for the Planning Commission work session. The applicant provides the required written notice to adjacent property owners. The staff posts placards on the subject property to notify passers by of the upcoming public hearing. |
| WEEK SEVEN | The staff presents the application to the Planning Commission at the work session. The applicant usually attends to hear concerns expressed by Commissioners. |
| WEEK EIGHT | Following the Planning Commission work session, the applicant makes revisions and clarifications to the application, if necessary. The staff makes revisions and clarifications to the staff report, if necessary. |
| WEEK NINE | The Planning Commission considers the application at a public hearing. The Planning Commission makes a recommendation to the Town Council about the application. If the application is changed by the applicant, or if more time is needed for the Commission to obtain additional information, the application may be deferred. |
| WEEK TEN | The staff notifies the applicant of the Town Council public hearing date. Any changes to the application or to the staff report are developed and discussed by the applicant and the staff. The staff prepares a report containing the Planning Commission's recommendation about the application to the Town Council. The staff prepares a legal advertisement about the application for publication in a newspaper. |
| WEEK ELEVEN | The staff completes and submits the staff report to the Town Manager through the Director of Community Development. |

APPLICATION FOR A SPECIAL EXCEPTION – continued

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| WEEK TWELVE | Town Manager conducts final review of application and staff report. |
| WEEK THIRTEEN | The staff presents the application to the Town Council at the work session. The applicant usually attends to hear concerns expressed by Council members. |
| WEEK FOURTEEN | The Town Council considers the application at a public hearing. If the application is changed by the applicant, or if more time is needed for the Council to obtain additional information, the application may be deferred. Otherwise, the Town Council makes a decision on the application. |

If you have additional questions or to arrange for an appointment, please contact the Town of Herndon Department of Community Development by calling (703) 787-7380 or through e-mail at community.development@herndon-va.gov. Town offices are located at 777 Lynn Street and are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.